

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ROBERT MOORE
Plaintiff,

v.

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; U.S. CUSTOMS AND
BORDER PROTECTION; AND
U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Defendants.**

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EP-19-CV-00279-DCG

JOINT PROPOSED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following

Scheduling Order:

1. The parties agree and stipulate pursuant to Fed. R. Civ. P. 26(a)(1)(A) that initial disclosures are not necessary as this is a FOIA action for which there is no need to exchange disclosures.

2. The parties shall advise the Court whether they elect to consent to a trial by a United States Magistrate Judge no later than **January 17, 2020**.

Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try a civil case, jury or on-jury, with the consent of all parties to the lawsuit. Your consent to trial by a Magistrate Judge must be voluntary, and you are free to withhold your consent without suffering any adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, this Court will enter an order referring the case to a Magistrate Judge for trial and entry of judgment. If the case has already been referred to a Magistrate Judge for pretrial matters and the parties consent to a trial before a Magistrate Judge, the trial will be before the Magistrate Judge already assigned to the case.

3. A report on alternative dispute resolution in compliance with Rule CV-88 shall be filed by **February 14, 2020**.

4. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties no later than **N/A**. Each opposing party shall respond, in writing, by **N/A**.

The parties are not asserting claims for monetary relief in this claim – other than a claim for reasonable attorney's fees upon completion of the proceeding.

5. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **January 31, 2020**.

6. All parties asserting claims for relief shall **FILE** their designation of testifying experts and shall **SERVE** on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **March 31, 2020**. Parties resisting claims for relief shall **FILE** their designation of testifying experts and shall **SERVE** on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **April 20, 2020**. All designations of rebuttal experts shall be filed within **14 days** of receipt of the report of the opposing expert.

7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, no later than **20 days** of receipt of the written report of the expert's proposed testimony, or not later than **20 days** of the expert's deposition, if a deposition is taken, whichever is later.

8. The parties shall complete all discovery on or before **June 22, 2020**. Counsel may by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting date will be vacated because of information obtained in post-deadline discovery.

9. All dispositive motions as defined in Local Rule CV-7(c) shall be filed no later than **July 22, 2020**.

The parties believe that this case can be resolved on summary judgment.

10. All objections or motions under Rule 702 or Rule 703 of the Federal Rules of Evidence shall be filed with the court and served upon opposing parties no later than **30 days** after the receipt of the written report of the expert's proposed testimony, or within **30 days** of obtaining a copy of the expert's deposition, if a deposition is taken, whichever is later.

11. This case is set for trial [docket call, or jury selection] on _____, at ____m. The parties should consult Rule CV-16 regarding matters to be filed in advance of trial.

SIGNED this _____ day of _____, 2019.

DAVID C. GUADERAMA
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Respectfully submitted,

JOHN F. BASH
UNITED STATES ATTORNEY

Date: 12/17/19

/s/ Manuel Romero
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